S.B. Civil Writ Petition No.7912/2007
Firm Ganga Vihan Om Prakash
vs
AdJ (Fast Track), Nagur & Anr.

Date of order : 5.12.2007.

HON'BLE MR. PRAKASH TATIA, J.

Mr.Vishal Sharma,for the petitioner.

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Heard learned counsel for the petitioner.

The petitioner is aggrieved against the order dated 11.9.2007 by which the trial court rejected the petitioner's application filed under Order14 Rule 5 CPC,which was submitted for deletion of issues nos. 1 and 2 on the ground that issues nos. 1 and 2 are covered under issue no.3.

Learned counsel for the petitioner submitted that the issues nos.1 and 2 are covered under issue no.3 and, therefore, issues nos. 1 and 2 should have been deleted.

It appears that there was specific plea of the defendant that he repaid certain amount to the plaintiff and, therefore, issues nos. 1 and 2 were framed. After repayment of the above amount, certain more amount has been claimed by the defendant to be due in the plaintiff, therefore, the issue no.3 was framed with respect to the claim of the defendant.

In view of the above reason, if the specific

issues for specific question of fact has been framed, I do not find that the court below has committed any illegality and, therefore, there is no case made out for interference by this Court while exercising jurisdiction under Article 227 of the Constitution of India.

Hence, the writ petition of the petitioner is dismissed having no merit.

(PRAKASH TATIA), J.

c.p.goyal/-